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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215788
Party	Defendant GRUPO VITALMEX, S.A. DE C.V.
Correspondence Address	MARIANA P. NOLI LADAS & PARRY LLP 224 S MICHIGAN AVE STE 1600 CHICAGO, IL 60604-2508  CHIUSTM@LADAS.NET
Submission	Motion to Amend Application
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Date	04/30/2014
Attachments	2014-04-30 Motion to Amend Application.pdf(121535 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Vita Zahnfabrik H. Rauter GmbH & Co. KG,	)	
	)	
Opposer,	)	
	)	
v.	)	<b>Opposition No. 91215788</b>
	)	<b>Serial No. 85821103</b>
GRUPO VITALMEX, S.A. de C.V.	)	
	)	
Applicant.	)	
	)	

**MOTION TO AMEND APPLICATION**

Counsel for Applicant on behalf of her client GRUPO VITALMEX, S.A. de C.V. hereby requests that the Board approve an amendment to Applicant's trademark application, Application No. 85/821,103, which is subject of the instant opposition proceeding, and in support thereof, states as follows:

1. Applicant amends to expressly exclude disinfectants used in connection with dental surgery and dentistry from "*all purpose disinfectants*" from the identification of the goods in International Class 05, which is to read as follows, the wording in bold indicating the amended language:

*"Pharmaceutical and sanitary products, dietetic substances for medical use, namely, antihypertensive drugs, metabolic syndrome drugs, pharmacogenomics, food for babies, medical plasters, all purpose disinfectants **excluding disinfectants used in connection with dental surgery and dentistry**, preparations for destroying vermin, fungicides and herbicides."*

2. Applicant amends the identification of the goods in International Class 10 to read as follows, removing the reference to *"artificial ... teeth"* from the goods in International Class 10:

*"Surgical and medical apparatus and instruments and highly specialized inputs for surgery, namely, artificial limb and eyes, imaging equipment for tomography and radiography; suture material; orthopedic items, namely, ophthalmological prosthesis, heart valves, stents, grafts, artificial heart, hip prosthesis, tissues, mother cells."*

3. The Opposer has consented to such amendments. Based upon the approval of foregoing amendments, the Opposer has agreed that the opposition be dismissed.

4. Because the amended identification of goods is fully within the scope of and simply restricts the language in the original identification, such amendment is appropriate, and should be accepted. 37 CFR §2.173(e).

5. Please charge the requisite amendment fee to Deposit Account No. 120400.

WHEREFORE, the undersigned respectfully requests that the Board approve this Request to Amend the Application and amend Applicant's trademark, Application No. 85/821,103, as set forth in Paragraphs 2 and 3 above.

Respectfully submitted,

  
Mariana Paula Noli, Esq.  
Attorneys for Applicant

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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that a copy of the foregoing MOTION TO AMEND APPLICATION is being electronically filed with the United States Patent and Trademark Office on this 30<sup>th</sup> of April, 2014.

  
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Mariana Paula Noli

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing MOTION TO AMEND APPLICATION was submitted via e-mail to [david.dillard@cph.com](mailto:david.dillard@cph.com) and deposited with the U.S. Postal Service on this 30<sup>th</sup> of April 2014 as First Class mail, postage prepaid, addressed to correspondent for Applicant, as follows:

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Mariana Paula Noli